IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant	:	Axel Klatt		
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Examiner	:	JAMA, Isaak R.		
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REASONS FOR PRE-APPEAL BRIEF REVIEW

Sir:

This communication is being filed in response to the Final Office Action mailed April 14, 2010. Simultaneously filed herewith is a Notice of Appeal pursuant to 37 CFR 41.31 and A Pre-Appeal Brief Request for Review (PTO/SB/33).

To clarify the prior art rejections on appeal, based on the body of the rejection the heading in paragraph 3 of the Advisory Action should read "Claims 30-41, 44-55 and 57 are rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent Application Publication Number 2004/0162077 (Kauranen et al.) in view of U.S. Patent Number 6,741,868 (Park et al.)"

Independent Claim 30

Claim 30 calls for "transmitting more than one mobile radio operator identity, PLMN identity, on a single organization channel BCCH," (emphasis added)

The Examiner maintains that paragraph [0040] of Kauranen et al. teaches this limitation. {April 14, 2010 Final Office Action: p. 2, l. 14 through p. 3, l. 10} Paragraph [0040] reads:

> "A network as shown in FIG. 1 may be shared by several operators, for example as shown in FIG. 2. In this case, a common RAN 210 can be shared by three different operators A, B, and C, each operating a Core Network of its own (Core Networks 220, 221, and 222, respectively). All the Core Networks can be connected to the same RNC of the shared RAN. In the network sharing scenario of FIG. 2, the shared RAN 210 may broadcast the PLMN (Public Land Mobile Network) Identity "X" to the terminals, i.e., depending on its capabilities, the terminal may not see the identities of the different Core Network operators. However, it is also possible that

the operators have dedicated radio frequencies, whereby they can transmit their own Mobile Network Codes (MNC) on their dedicated carriers." (emphasis added)

The mere fact that the radio access network is a shared one, meaning that more than one core network is present, does not imply that multiple PLMN identities are transmitted. Paragraph [0040] refers to only to a single (e.g., "the") PLMN identity "X," not a plurality of PLMN identities. Additional support for such interpretation is found in Figure 2 to which paragraph [0040] describes that depicts the shared radio access network 210 belonging to a single network operator "X." Paragraph [0007] discusses Multi-Operator Core Networks (MOCN) such as the patented system and method wherein "Despite several operators, the user may, depending on his/her terminal capabilities, see the network as a single network, the identity of which is broadcast by the Radio Access Network." (emphasis added)

Counterpart independent method claim 58 contains a similar limitation to that discussed above with respect to claim 30 and thus is patentable over the prior art for at least similar reasons discussed above with respect to claim 30. In addition, claim 58 is further distinguishable over the prior art in that it provides "the subscriber/the subscriber terminal (13) selects a PLMN identity from the PLMN identities transmitted on the single BCCH channel." (emphasis added) Kauranen et al. discloses that the RAN selects a Core Network for the user terminal. {Paragraphs [0003]; [0017]} Since the selection of a Core Network for the user terminal in Kauranen et al. is determined in the RAN without any indication, whatsoever, from the terminal such selection is random from the possible multiple Core Networks. Specifically, the RAN makes the selection/determination of a user terminal which then forwards the request to one potentially serving Core Network at a time until finding a Core Network able to accept the request. {Paragraphs [0003]; [0017]} If the selected PLMN/CN cannot serve the user, the CN informs the RAN, which then re-routes the initial message to another PLMN/CN to try if this can serve the user in question. {Paragraphs [0012]; [0017] & Fig. 3} In the present claimed invention, since the subscriber/subscriber terminal itself makes the selection of a PLMN identity from the plural PLMN identities transmitted on the single BCCH channel the choice of CN is proper without any guessing.

Dependent Claim 32

Claim 32 further specifies "wherein network elements of the core network (6, 7; 10, 11) (CN) are used for providing voice connections, whereas other network elements for providing IP connections (packet network) are each provided by the different operators." (emphasis added) In rejecting claim 32 the Examiner states this limitation is taught by reference element numbers 120 and 124 in Figure 1 of Kauranen et al. However, MSC 121 and GGSN 124 in Figure 1 of Kauranen et al. are associated with the same operator (Core network 120), rather than different operators.

Dependent Claims 35-40

Each of claims 35-40 states "the subscriber/the subscriber terminal (13) notifies the radio access network (9; 12) of the different core networks (6, 7; 10, 11) with which the connection is to be set up." Thus, the subscriber/the subscriber terminal notifies the RAN. To the contrary, Kauranen et al. discloses just the opposite. That is, the RAN makes the selection/determination of a user terminal which then forwards the request to one potentially serving Core Network at a time until finding a Core Network able to accept the request. {Paragraphs [0003]; [0017]}

Dependent Claim 39

Claim 39 states "wherein the PLMN identity is represented by an integer (1, 2, 3...n) or a bit string (e.g., "001"), and the actual PLMN identity is determined from the sequential order of transmission of the different PLMN identities on the BCCH." Nothing in either Kauranen et al. or Park et al., either alone or in combination thereof teach the PLMN identity being represented as an integer, as called for in claim 39.

Dependent Claim 40

Claim 40 calls for "wherein when a connection is requested, the subscriber/the subscriber terminal (13) notifies the radio access network (9; 12) of the different core networks (6, 7; 10, 11) with which the connection is to be set up, and that this notification occurs with the transmission of the network operator ID (PLMN ID) neither in the RRC CONNECTION REQUEST nor the INITIAL DIRECT TRANSFER message in a mobile radio system operating according to a UMTS standard." (emphasis added) Kauranen et al. in paragraph [0042] calls for initial direct transfer to carry the message from the RAN to the CN. Claim 40 requires the opposite, that is, the subscriber/the subscriber terminal to notify the RAN. Furthermore, Kauranen et al. teaches the use of "initial direct transfer" for carrying the message, while claim 40 expressly states that notification

does not occur with the network operator ID in the INITIAL DIRECT TRANSFER message.

Dependent Claim 41

Claim 41 provides "wherein more than one PLMN ID is transmitted in a System Information Block 1 (SIB1) on the BCCH of a mobile radio system operating according to a UMTS standard or core network information of more than one core network is transmitted within an SIB1." (emphasis added) Park et al. to which the Examiner refers teaches transmitting the information in the MIB, not the SIB, as in claim 41. (Col. 21, line 66 through Col. 22, l. 1)

Dependent Claims 42 and 43

Claims 42 and 43 each specify "wherein a signal represented, for example, by a single bit is transmitted on the organization channel (BCCH) of the radio access network (9; 12) to indicate if the radio network resources administration unit provides the connection request of the subscriber/the subscriber terminal (13) with one of the core networks (6, 7; 10, 11) based on a IMSI of the subscriber terminal." (emphasis added) The combination of Kauranen et al., Park et al. and Stephenson et al. still does not read on the present claimed invention which calls for "a single bit" based on the IMSI of the subscriber terminal. Stephenson et al. discloses (Col. 8, ll. 8-21) that the IMSI which is provided to the PLMN ID in the form of a TMSI is a four octet code, not a single bit.

Dependent Claim 46

Claim 46 further specifies "wherein additional PLMN IDs are always transmitted when a subscriber terminal (13) logs on to a mobile radio network for the purpose of registration, actually uses a service, or indicates its actual location to the mobile radio network." (emphasis added) Kauranen et al. fails to mention whatsoever additional PLMN ID's, much less, when such additional PLMN ID's are to be transmitted. Kauranen et al. (paragraph [0040] to which the Examiner refers) does not disclose when either PLMN ID's or additional PLMN ID's are broadcast.

Dependent Claim 53

Claim 53 further provides "wherein the selection of the PLMN or of these core network elements is based on signaling default (yes or no) the selection by the subscriber terminal (13), based on the signaled PLMN ID." (emphasis added) Nothing in Kauranen et al. either discloses or suggests selection of the PLMN ID by signaling default (yes or no) the subscriber terminal (13) to include in the selection of PLMN.

Dependent Claims 59 & 61

Claims 59 and 61 each call for "wherein the more than one PLMN ID is transmitted in a single Master Information Block (MIB) on the BCCH of the mobile radio system operating according to a UMTS standard or core network information of more than one core network is transmitted within the single Master Information Block (MIB)." Applicants submit that claims 59 and 61 are distinguishable over Kauranen et al. which as discussed above with respect to claims 30 and 58, fails to disclose or suggest transmitting "more than one PLMN identity" or "more than one core network" together as a single MIB.

Dependent Claims 60 & 62

Claims 60 and 62 each specify "wherein the more than one PLMN ID is transmitted in System Information Type 3 (SI3) according to a GSM standard." The transmission of the system information in Park et al. is in the master information block (MIB) (Col. 21 l. 66 through Col. 22, l. 1), rather than "in System Information Type 3 (SI3) according to a GSM standard."

If an extension of time is required, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,
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